

# **EXHIBIT 198**

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE NORTHERN DISTRICT OF GEORGIA  
3                   ATLANTA DIVISION

4                   DONNA CURLING, ET AL., :  
5                                                 :  
6                   PLAINTIFFS, :  
7                   VS. : DOCKET NUMBER  
8                   BRAD RAFFENSPERGER, ET AL., : 1:17-CV-2989-AT  
9                   DEFENDANTS. :  
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11                   TRANSCRIPT OF TELEPHONE CONFERENCE PROCEEDINGS

12                   BEFORE THE HONORABLE AMY TOTENBERG

13                   UNITED STATES DISTRICT SENIOR JUDGE

14                   SEPTEMBER 26, 2022

15                   4:53 P.M.

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21                   MECHANICAL STENOGRAPHY OF PROCEEDINGS AND COMPUTER-AIDED  
22                   TRANSCRIPT PRODUCED BY:

23                   OFFICIAL COURT REPORTER:                   SHANNON R. WELCH, RMR, CRR  
24                                                                2394 UNITED STATES COURTHOUSE  
25                                                                75 TED TURNER DRIVE, SOUTHWEST  
                                                                      ATLANTA, GEORGIA 30303  
                                                                      (404) 215-1383

1 Bryan, do you know whether -- I know you said you passed our  
2 request on to your client and they said they weren't going to  
3 replace those.

4 Do you know if that is something that they would  
5 reconsider? I mean, I'm just thinking back to when the  
6 replacement was done in June of last year. And what Mr. Barnes  
7 testified was that they were able to replace the EMS server and  
8 the ICC in a single day. They showed up and had replacements  
9 on hand.

10 So it sounds like it is a very simple process that  
11 can be done really quickly. That would seem to be the safer  
12 path forward.

13 MR. TYSON: And this is Bryan Tyson.

14 David, I don't know if they are willing to reconsider  
15 that or not. I think there is a lot of pieces involved with  
16 kind of the excess inventory and those types of things. So I  
17 think it is a little bit more complicated than just it only  
18 takes a day.

19 I think there are other pieces that they have to go  
20 through. But I have not asked that question and don't know  
21 what their -- how hard and fast they are on that.

22 THE COURT: Well, I can't order it. I would say it  
23 does seem it might be prudent. But that is up to you-all at  
24 this point. I mean, I'm not just -- it seems like it would be  
25 prudent.

1           You are going to be scanning the equipment that you  
2 have just collected; right? Is that right?

3           MR. TYSON: Your Honor, I -- I'm sorry. This is  
4 Bryan Tyson.

5           That is my expectation. That since this is going to  
6 be part of that active investigation by the GBI, whether  
7 something was installed on those components is going to be a  
8 really important question to answer. But I don't know kind of  
9 logistically how, when, where, like what sequencing in the  
10 process that will be.

11          THE COURT: And have plaintiffs asked for an image of  
12 those images or not, or you don't need them because you have  
13 the server?

14          MR. CROSS: This is David. We have not yet, Your  
15 Honor. We learned about this on Friday and had not had a  
16 chance to really consult internally ourselves or with our  
17 experts. So I don't know yet what -- there is obviously a lot  
18 of equipment there.

19          I will say speaking for myself, I don't think we  
20 would ask to image everything. Just looking at the photos  
21 alone from the Maggio production, there are a lot of flash  
22 drives and thumb drives, compact drives and so forth. But it  
23 may make sense if we did like a sample of a few things.

24          One in particular I know that our experts have been  
25 concerned about -- one of the things that was imaged was the

1 C E R T I F I C A T E  
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3 UNITED STATES OF AMERICA  
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NORTHERN DISTRICT OF GEORGIA  
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I, SHANNON R. WELCH, RMR, CRR, Official Court Reporter of  
the United States District Court, for the Northern District of  
Georgia, Atlanta Division, do hereby certify that the foregoing  
21 pages constitute a true transcript of proceedings had before  
the said Court, held in the City of Atlanta, Georgia, in the  
matter therein stated.

In testimony whereof, I hereunto set my hand on this, the  
28th day of September, 2022.

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17 *Shannon R. Welch*  
18 SHANNON R. WELCH, RMR, CRR  
19 OFFICIAL COURT REPORTER  
20 UNITED STATES DISTRICT COURT  
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